IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.241 OF 2005

Dinesh Chandrakant Patange ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr.V.Z.Kankaria with Mr.S.H.Joshi for Petitioner.

Mr.A.S.Gadkari, A.P.P. for Respondent No.1.

Mr.J.B.Patel for Respondent No.5.

ALONG WITH

MISC.CRIMINAL APPLICATION NO.1205 OF 2005

IN

CRIMINAL WRIT PETITION NO.241 OF 2005

Jagdish alias Jaggu Vinayak Bansode ...Applicant

Versus

Dinesh Chandrakant Patange & Ors. ...Respondents

.....

Mr.J.B.Patel for Applicant.

Mr.V.Z.Kankaria with Mr.S.H.Joshi for Respondent No.1.

Mr.A.S.Gadkari, A.P.P. for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 17, 2005.

P.C.

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Mr.Gadkari, A.P.P. waives notice for Respondent State. Mr.Patel waives notice for Respondent No.5 in Criminal Writ Petition No.241 of 2005. Mr.Joshi waives notice for Respondent No.1 in Criminal Application No.1205 of 2005.

3. As short question is involved, the matters are taken up for final disposal forthwith, by consent.

4. As the offence for which Respondents 2 to 5 in the Writ Petition are being tried is under Section 302, 307 and 120-B of the Indian Penal Code arising out of the same incident, even though, the

trial in respect of some of the accused has already commenced and proceeded partly, the appropriate course, would be to conduct trial of all the accused together. For, it is stated that only one prosecution witness has been examined so far.

5. Counsel appearing for the accused, who were arrested subsequently, states on instructions, that he has no objection if the trial against them is proceeded from the stage of evidence already recorded in relation to accused who were arrested in the earlier point of time.

6. If it is so, in the interest of justice, both the trials be proceeded together by recording common evidence, as is agreed between the parties. The Trial Court to proceed with both the trials on expeditious basis together, by recording common evidence in both the matter and dispose of the same, preferably within six months from the date of receipt of writ of this Court.

7. Counsel for the accused who have been arrested in subsequent point of time, states on

instructions, that they will not apply for recall of witness already examined. That assurance is also accepted.

8. Accordingly, Petition succeeds on the above terms.

9. Petition and Application disposed of accordingly.

A.M.KHANWILKAR, J.